RECENT CASES.

ADMIRALTY—LIABILITY OF CITY FOR NEGLIGENCE OF ITS SERVANTS IN CHARGE OF A FIRE-BOAT.—WORKMAN v. MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF NEW YORK, 21 SUPREME COURT REPORTER 212. —The plaintiff's vessel, while lying at a dock in the port of New York, was struck and injured by a fire-boat, owned by the city and in the custody and management of its fire department, while hastening to assist in extinguishing a fire at the head of the dock. *Held*, that city was liable for damages.

Decisions holding that a city is not liable for injuries caused by negligence of members of its fire department are very numerous. *Frederick* v. *Columbus* (1898) 58 Ohio St. 538; *Saunders* v. *Ft. Madison*, (1900) Iowa 82 N. W. 428, and others. All these cases expound the theory of sovereign attribute. This does not control maritime law, and cannot justify an admiralty court in refusing to redress a wrong where it has jurisdiction to do so. The City of New York, unlike the sovereign, is subject to the jurisdiction of the Court. The Court follows the doctrine found in *Mersey Dock & Harbor Board* v. *Gibbs*, (1866) L. R. 1 H. L. 122, and *Currie* v. *McKnight*, (1897) A.C. 97; that local law must not be permitted to control maritime law to the destruction of a uniform maritime law. The relation of master and servant exists between the city and those in charge of its fire-boats. This is at variance with the law as recognized by the principal text writers. 2 *Dill. Mun. Corp.* fourth ed., Sec. 975; 13 *Am. & Eng. Ency. Law*, second ed., p. 78. Exemption of fire-boat belonging to city from seizure *in rem* is no foundation for the proposition that city could not be called upon in an action *in personam*.

ADMIRALTY—PILOTS—FOREIGN PORTS.—BEGLEY v. N. Y. & P. R. S. S. Co., HUSS v. SAME, TORYESON v. HOY, 105 Fed. 74.—Three American vessels sailing between Porto Rico and the United States under coasting licenses refused pilotage services on entering New York, on the ground that they were not from a *foreign* port. *Held*, not liable to pilotage charges.

The Court seems to approve the previous decision of *Goetze* v. *United States*, 103 Fed. 72, and considers that enough legislation has taken place so as to make Porto Rico a part of the United States for the purpose of commerce. It seems to illustrate the fact that the decision in *Goetze* v. *United States* is the most practicable solution of the "Constitution following the flag" question that can be reached.

ADULTERATION—STATUTES—CONSTITUTIONAL LAW—INTENT.—STATE v. SCHLENKER, 84 N. W. (Iowa).—Code section 4989 provides that if any person shall sell any adulterated milk he shall be fined. Code section 4990 defines adulteration as the addition of water or any other substance or thing to milk. *Held*, it is within the police power of the State to prohibit the sale of adulterated milk, though there be no fraud or deceit in the sale, and the adulteration in certain cases be harmless.